Archives
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File No. 631

1939

Collection No.

H.P
23.7.47

Resident's Office
Bangalore

~~Pros.~~
Serial Nos. 1 - 5

P. 18

(K)

Subject.

Amendments to Municipal Election Rules

Previous References.

Later References.

S. 97.—(Blue).

MFP—1187 S&P—(M-2104)—21-3-39—70,000.

D. No.10511. S.N.

1

Page 116 of Mufl. Bye Laws

The election rules are issued by the Resident and any change in these rules requires his sanction. He can refuse such sanction if he considers that the amendment is unnecessary or undesirable. Under Section 180 (1) of the Municipal Law a draft of the proposed amendment has to be published and objections if any invited before it is approved.

Page 56 of Law

2

If the proposed amendment is approved a person though himself not qualified to vote or stand for election will be able to do so, if he happens to pay the required taxes in his capacity as sole Administrator, ~~as~~ guardian or trustee.

3

The President, Municipal Commission says that an important and influential class of persons is excluded from the exercise of franchise and from eligibility for election as Commissioners on account of the rules as they stand now. It is submitted that persons who act as - - administrators and who are otherwise disqualified from exercising the franchise will be very rare and such class of persons cannot be regarded as either important or influ ential. The proposition was carried only by a narrow - majority.

4

Explanation 1,- inserted Section 49(6) of Madras City Mpl. Act (Page 130 of Vol. put up).

Removed

Similar provision however exists in the Madras City Municipalities Act and the amendment may, if approved, be published for objections.

Submitted for orders with a draft.

KIC 23.10.39

5 Put up the debate in the Commission, please.

Seen

24/10/39.

Para 5 pre page

6 A copy of the debate obtained from the Municipal Office is submitted.

KIC 39
25.10.39

Secy

7 will Collect PMC let us know confidentially what is behind this? I must say I find some justification in

8 (a). Postponement till a new Commission is elected next month.

1 (b). The suggestion that it must be a very very small number who are qualified to vote under this clause & not otherwise.

10 Presumably it is for some specific purpose: e.g. Mutawallis & Trustees of Mosques?

11 Presumably also there is some significance in the time chosen for this amendment.

H Pulleyn
24/10/39.

P.M.C. 1/10.

No. D.10 511 dt 27-10-39.

12 I do not think there is any significance in the time chosen

for this amendment. It was included in what was practically a re-draft of the electoral rules put forward some time ago by M. Latef, who wanted them adopted for the ensuing elections. Since the retrocession arrangements provide that the electoral rules shall not be changed for 5 years, I persuaded M. Latef to drop his proposals & go on only with such of them as appeared to him really necessary & urgent. He then came forward with this proposal M. Mahmood Shariff had made a similar proposal.

13 The purpose seems to be to give a vote to a mutawalli or trustee - respect of mosque or temple property. Several such were previously included in the electoral rolls but I had

removed them names, since the rules (not very strictly interpreted before) require that a voter should possess property & pay taxes in his own right or on his own behalf.

14 I see no objection to the proposal, which brings our electoral rules into conformity with those of other municipalities on this matter. No useful purpose would be served by deferring the question or referring it to the new Commission. As pointed out it will not affect the forthcoming elections. There is I of course no urgency for it either.

H.H. Carleton
30.X.34

S.R. m/o.

Fr approval.

Resident.

30/10/34

15 Approved.

16 Please send me a copy of the new laws

Laws has been remarked.

S.N.2: Issue

D.No.11772 S.N.3

7 (X)

17

Please see S.N.2

The point raised in para 2 of the P.U.C. is one which should be considered by the Municipal Commission in the first instance.

Draft to P.M.C is submitted.

30.11.39

30.11

S.N.4: Issue

U/S. 18

(X

Please see S.N.1 and 2. No objections or suggestions have been received.

The amendments may now be confirmed. (The next general elections are to take place only in 1942.)

Draft submitted.

It is regretted that, by an oversight this has not been put up earlier.

15/5/40

Records may be asked to make necessary corrections in the copies of the Bye Laws in office. S.S. & the amendments are kept below.

10/6/40

17-5-40

18

18/5/40

U.S.

S.N.5: Issue

Mysore Pur/111/1939 Spy. S.N.1

No. 4418/39

Exc.1.

5—3,000—12—5—39

CIVIL & MILITARY STATION, BANGALORE.
MUNICIPAL OFFICE.

Dated 4th October, 1939

From

H. H. CARLESTON, ESQ., I.C.S.,
President, Municipal Commission,
Civil and Military Station, Bangalore.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
11 OCT. 1939
Diary No. 10,511
File No.

The Secretary to the Hon'ble the Resident in Mysore,

BANGALORE.

Sir,

I have the honour to forward, herewith a copy of the Municipal Commission's resolution No.2 dated the 28th September 1939, recommending to the Hon'ble the Resident that he may be pleased to amend clause (d) of Rule 5 and (d) (i) of Rule 7 of the Election Rules by the insertion of the following after the words "on his own behalf" in clause (d) of Rule 5 and after the words "in his own right" in clause (d) (i) of Rule 7, in order to make guardians and trustees eligible to stand for election as Municipal Commissioners and to vote :-

Clause (d) of Rule 5.

"or as being the sole Administrator as guardian or Trustee (not being the Administrator General or Official Trustee),"

omit ?

Clause (d) (i) of Rule 7.

"or as sole administrator as guardian or Trustee (not being the Administrator General or Official Trustee)".

omit ?

2. An important and influential class of persons is excluded from the exercise of franchise and from eligibility for election as Commissioners on account of the rules as they stand now. Similar provisions exist in the Madras Corporation and in other Municipalities of British India and I think the amendment is a salutary one. The resolution, if approved by the Resident, will not affect the elections to be held this year, as the electoral roll has been prepared and finally confirmed by the Appeal Committee. But it can

be brought into effect if and when casual elections take place, when the voters' lists are liable to be revised under Rule 21 of the Election Rules.

I request that the Hon'ble the Resident may be pleased to amend the rules as recommended by the Municipal Commission.

I have the honour to be,

Sir,

Your most obedient servant,

H.H. Carlton

PRESIDENT, M. C.

HB. 9/10/1939.

(Ordinary Meeting).

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2. Mr. M. Abdul Latheef's proposition to request the Hon'ble the Resident to amend clause (d) of Rule 5 and clause (d) (i) of Rule 7 of the Election Rules.

Recommended.

Mr. Abdul Latheef moved the proposition and Mr. Abdul Hameed Khassim Sait seconded it.

Mr. S. Sundaram Iyer moved the following amendment and Mr. P. Narasimha Rao Nayudu seconded it.

> "That the consideration of Mr. Abdul Latheef's proposition to request the Hon'ble the Resident to amend clause (d) of Rule 5 and clause (d) (i) of Rule 7 of the Election Rules be deferred to the month of April 1940".

After a short discussion, the President put Mr. Sundaram Iyer's amendment to the meeting and it was lost. He then put Mr. Abdul Latheef's proposition to the meeting and it was carried by 10 votes to 8.

Resolved that the Commission recommend to the Hon'ble the Resident to be pleased to amend clause (d) of Rule 5 and clause (d) (i) of Rule 7 of the Election Rules relating to qualifications of a person for election as a Municipal Commissioner and to vote respectively by the insertion of the following after the words "on his own behalf" in clause (d) of Rule 5 and after the words 'in his own right' in clause (d) (i) of Rule 7 :-

Clause (d) of Rule 5.

> "or being the sole Administrator as guardian or Trustee (not being the Administrator General or Official Trustee),"

Clause (d) (i) of Rule 7.

> "or sole administrator as guardian or Trustee (not being the Administrator General or Official Trustee)".

(File No.106 of 1939).

(Sd.) H. H. CARLESTON.

PRESIDENT, M. C.

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Copy

Y. [illegible]

H Clerk.

Extract ~~of~~ proceedings of the Ordinary Meeting of the Municipal Commission for the Civil and Military Station, Bangalore, held at the Mayo Hall at 8.30 a,m. on Thursday the 28th September 1939.

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2. Mr. M. Abdul Latheef's proposition to request the Hon'ble the Resident to amend clause (d) of Rule 5 and clause (d) (i) of Rule 7 of the Election Rules.

Recommended.

The President said that the proposal was that certain words should be inserted in clause (d) of Rule 5 and clause (d) (i) of Rule 7 of the election rules in order to enfranchise persons who were the sole administrators, etc., in addition to those who paid taxes in their own right.

In moving the proposition, Mr. Abdul Latheef said that the proposition had been put up in order to bring the Election Rules into line with those existing in the majority of Municipalities, such as Madras and other places, which followed the proposed practice. He was of the opinion that trustees of mosques and temples etc., should be given the option to vote for or be elected as Municipal Commissioner

Mr. Sundaram Iyer said that even if Mr. Abdul Latheef's proposition had been recommended by the Standing Committee it had still to be moved and seconded before they discussed it.

The President said that they had adopted the proposal at the Standing Committee meeting.

Mr. Sundaram Iyer said that if the Standing Committee had recommended it, it did not become passed.

Mr. Abdul Latheef moved the proposition and Mr. Abdul Hameed Khassim Sait seconded it.

Mr. Sundaram Iyer said that he opposed the proposition as he could understand neither the urgency for it nor the policy underlying such an amendment. If it was a question of enfranchising more people or giving power to vote and stand for election to a certain section of people they had to look at it from a general point of view. The proposed addition only affected a certain section of people and no mention was made of so many other people. If the amendment was not going to affect the present elections he did not see why the proposition should be put up at the end of the term of the present Commission.

He wished to know if such guardians, trustees or administrators had submitted any objections and who was going to be affected so urgently by the proposed amendment. With retrocession pending he did not see the need to take up the business of legislation and suddenly come forward with the rights of guardians and trustees. In any case the Election Rules were rather ancient and they should be done away with and an entirely new set drafted. He really did not understand the urgency of this proposition but would confine himself to saying that they could not find any adequate reasons for them to request the Hon'ble the Resident to give it his sanction. Mr. Sundaram Iyer was sure that all sorts of difficulties would arise from the sanction of such an amendment and therefore thought that no support should be given to the proposition. He would suggest that the proposition be deferred until April 1940 for the reasons he had previously stated. There was no urgency about the amendment and they would have time to consider it. They would also know then what would happen after retrocession. He explained that when he said "they" he meant of course those on the Commission next year. Mr. Sundaram Iyer thought that it served no purpose to pass the proposed amendments to the Election Rules at that juncture. Mr. Sundaram Iyer moved the following amendment:-

> "that the consideration of Mr. Abdul Latheef's proposition to request the Hon'ble the Resident to amend clause (d) of Rule 5 and clause (d) (i) of Rule 7 of the Election Rules be deferred to the month of April 1940".

In seconding Mr. Sundaram Iyer's amendment, Mr. Narasimha Rao Nayudu said that it would certainly be much better to defer the proposition though he would not refer to the reasons for putting the proposition up as in the nature of election tactics. He would give Mr. Abdul Latheef the benefit of the doubt.

Mr. Mahmood Shariff opposed the amendment, saying that Mr. Sundaram Iyer had been present at the Standing Committee meeting when the proposition had been discussed and the majority had come to the conclusion that it was a wholesome measure and had therefore recommended it. Madras was following the proposed practice as were other Municipalities. He did not think it right that Mr. Sundaram Iyer should now put forward the argument that the Act was an old one and should be scrapped. In his opinion it was a very wholesome measure

(b)

on account of the fact that there was no provision for the persons in charge of temples and mosques etc., who paid taxes on their behalf, to vote for or stand for election as Municipal Commissioners.

The President said that in any case the proposed addition would not affect the present elections.

Mr. Mahmood Shariff said that even so he thought it was a very wholesome measure.

The President then said that it had been proposed by Mr. Sundaram Iyer and seconded by Mr. Narasimha Rao Nayudu that consideration of Mr. Abdul Latheef's proposition should be deferred until April 1940. He put Mr. Sundaram Iyer's amendment to the meeting and it was lost. He then put Mr. Abdul Latheef's proposition to the meeting and it was carried by 10 votes to 8.

Resolved that the Commission recommend to the Hon'ble the Resident to be pleased to amend clause (d) of Rule 5 and clause (d) (i) of Rule 7 of the Election Rules relating to qualifications of a person for election as a Municipal Commissioner and to vote respectively by the insertion of the following after the words "on his own behalf" in clause (d) of Rule 5 and after the words 'in his own right' in clause (d) (i) of Rule 7 :-

Clause (d) of Rule 5.

"or being the sole administrator as guardian or trustee (not being the Administrator General or Official Trustee),"

Clause (d) (i) of Rule 7.

"or sole administrator as guardian or trustee (not being the Administrator General or Official Trustee)."

(File No.106 of 1939).

(Sd.) H. H. CARLESTON.

PRESIDENT, M. C.

2 1

THE HON'BLE THE RESIDENT IN MYSOR

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Notification.

No. 144. Dated 4th Nov '39.

Issued 4/11/39 mrb.m 31/10

Page 116 of Bye Laws

Page 56 of Laws

The following draft of an amend ment which it is proposed to make in the rules for the election of Municipal Commissioners in the Civil and Military Station, Bangalore, issued under the Resident's Notification No.37, dated the 16th April 1928, as subsequently amended, is published for general information as required by section 181 of the Bangalore Municipal Law, 1897, and notice is hereby given that the draft will be taken into consideration on or after the 1st December 1939. Any objection or suggestion which may be received from any person in respect of the said draft before the date aforesaid will be considered by the Hon'ble the Resident in Mysore.

Draft amendment.

(1) In clause (d) of Rule 5 after the words "on his own behalf" insert "or as ~~being the~~ sole Administrator, ~~as~~ guardian or Trustee (not being the Administrator General or Official Trustee)," .

(2) In clause (d)(i) of Rule 7 after the words "in his own right" insert "or as sole administrator, ~~as~~ guardian or trustee (not being the Administrator General or Official Trustee)." .

2. The amendment will not affect the election to be held this year.

Secretary to the Resident.

To be published in the Mysore Residen Orders.

P.u.c.

The President, Municipal Commission, C & M Station, Bangalore, with reference to his letter No.4418/3 dated the 9th October 1939.

The Editor, Daily Post, Bangalore, with compliments.

23.10.39

Bangalore Central Civic Association,

203, Cavalry Road, Bangalore,

No. F 32. / D 35/39.

Dated 17 NOVEMBER 1939

OFFICE OF THE RESIDENT IN MYSORE, BANGALORE. Diary No. 11,772. File No.

To

The Hon'ble the Resident in Mysore,
Bangalore.

Through

The Secretary, the Hon'ble the Resident,
Bangalore.

Respected Sir,

DRAFT AMENDMENT IN THE RULES FOR ELECTION OF MUNICIPAL COMMISSIONERS IN THE STATION, UNDER THE RESIDENT'S NOTIFICATION No.37, DATED 16TH APRIL 1928, AS SUBSEQUENTLY AMENDED.

The Executive Committee of our Association have directed me to tender their thanks for the proposed amendment in Clause (d) of Rule 5 and Clause(D) (i) of Rule 7 of the Hon'ble the Resident's Notification No.37, dated the 16th April, 1928, as subsequently amended, giving the "administrator, guardian or trustee" a chance to be included in the list of persons eligible to stand as Commissioners and in the list of persons entitled to vote in the election of Commissioners respectively.

Our Committee have also directed me to bring to your Honour's kind notice the necessity to bring down the period of residence from two years to one year in Clause (d) of Rule 5. Such an amendment will go a great way to enlarge the number of citizens that will be eligible to stand as Commissioners.

I have the honour to be,

Respected Sir,

Your most obedient servant,

A Devaraja Mudaliar

(10

THE OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Bangalore, the 16 ~~November~~ Dec. *1939*.

Issue 2/12/39 Issued 16/12/39

R.Dis. No. F.631-39 / G & A. Enc. 1.

A copy of the undermentioned paper(s) is forwarded to the President, Municipal Commission, Civil and Military Station, Bangalore.

for information, ~~in continuation of~~ / with reference to the ~~correspondence ending with (his)~~ ~~Memorandum~~ / letter / ~~endorsement~~ from

By order, etc.,

for Secretary / ~~Asst. Secy.~~ to the Resident in Mysore.

List of papers.

S.N.3 / P.U.C Letter from the Bangalore Central Civic Association, No.F.32/D.35/39, received on 21st November 1939.

M.P. 30.11.39

THE HON'BLE THE RESIDENT IN MYSORE.

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Issued 21/5

No. 63 Dated Bangalore, the 21st May 1940.

NOTIFICATION.

In exercise of the powers conferred by sections 8(2) and 175(1)(d) of the Bangalore Municipal Law, 1897, the Hon'ble th Resident is pleased to make the following amendments in the rules published with his Notification No.37, dated the 16th April 1928, as subsequently amended, in regard to the electi of Municipal Commissioners in the Civil and Military Station, Bangalore.

AMENDMENTS.

(1) In clause (d) of Rule 5 after the words "on his own behalf" insert "or as sole administrator, guardian or trustee (not being the Administrator General or Official Trustee)", .

(2) In clause (d)(i) of Rule 7 after the words "in his own right" insert "or as sole administrator, guardian or trustee (not being the Administrator General or Official Trustee),".

for SECRETARY TO THE RESIDENT.

To be published in the Mysore Residency Orders (and ten spare Copies to be supplie

The President, Municipal Commission, Civil and Military Station, Bangalore, with reference to the correspondenc ending with endorsement from this Residency No.144, dated the 4th November 1939.

The Editor, Daily Post, Bangalore, with compliments.

BJ